

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DAMARIS MCCALLEY

v.

CRAIG OLSON, ET AL.

§

§

§

§

§

Civil Action No. 4:21-CV-511

(Judge Mazzant/Judge Nowak)

### **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 15, 2022, the report of the Magistrate Judge (Dkt. #48) was entered containing proposed findings of fact and recommendations that each of Defendant University of Texas Southwestern Medical Center's Motion to Dismiss Pursuant to the Federal Rules of Civil Procedure 12(b)(1) and/or 12(b)(6) (Dkt. #16); Defendants Yair Lotan, M.D., Martha Storrie, M.D., Samuel McDonald, M.D., Roopa Vemulapalli, M.D., Greta Szabo, M.D., Tasneem Ahmed, D.O., and Craig Olson, M.D.'s Motion to Dismiss (Dkt. #17); and Defendants Carolyn Jean Tankersley and Justin Philips's Motions to Dismiss Pursuant to the Federal Rules of Civil Procedure 12(b)(1) and/or 12(b)(6) (Dkt. #18) be granted and *pro se* Plaintiff Damaris McCalley's claims be dismissed without prejudice:

Having received the report of the Magistrate Judge, considered Plaintiff's Objections, Defendants' Responses to Plaintiff's Objections, and conducted a de novo review, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendants' Motions to Dismiss (Dkts. #16; #17; #18) are **GRANTED**. Plaintiff's claims against Defendants are **DISMISSED WITHOUT PREJUDICE**.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 5th day of January, 2023.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE